

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-cr-00267-M-RN

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVAN CURTIS MORALES,

Defendant.

ORDER

This matter comes before the court on Defendant's unopposed Motion to Determine Competency of Defendant Under 18 U.S.C. § 4241. [DE 18]. The court may order a competency evaluation when there is "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a), (b). The court finds there is reasonable cause to believe Defendant is mentally incompetent. Accordingly, the motion is GRANTED as follows:

1. Defendant is committed to the custody of the United States Attorney General for a reasonable period not to exceed thirty (30) days at a suitable facility pursuant to 18 U.S.C. § 4241(b) and § 4247(b). Due to its proximity to Defendant, the court recommends that Defendant be placed at FMC Butner.

2. Defendant shall submit to a psychiatric or psychological examination by a properly qualified professional (or professionals). The examining professional(s) shall determine whether Defendant is "suffering from a mental disease or defect rendering him mentally incompetent to the

extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense” pursuant to 18 U.S.C. § 4247(c).

3. The examining professional(s) shall prepare a report detailing their findings and file it with the court.

4. No later than fourteen (14) days after the entry of this order, the parties shall file under seal a joint report on the status of Defendant’s placement and examination. The joint report shall include the identity of the facility at which Defendant has been placed for the examination, the status of Defendant’s examination, and to the extent reasonably ascertainable, the expected date of completion and expected date of submission of the report to the court.

Upon the filing of the report, the court will schedule a hearing to adjudicate Defendant’s competency to stand trial pursuant to 18 U.S.C. § 4241(c) and § 4247(d). The court will also entertain any additional pretrial motions filed by the parties as a result of the examination.

Considering the nature of above-described proceedings, Defendant’s trial and any pending deadlines in this matter other than those set forth in this order are hereby CONTINUED until further order of the court. The court has determined that the ends of justice outweigh the best interests of the public and Defendant in a speedy trial. The delay occasioned by this order shall therefore be excluded in computing Defendant’s speedy-trial time. *See* 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED this 31st day of October, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE